

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KENNETH YELLOW OWL,
o.b.o., DIANA YELLOW OWL,
deceased,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

No. CV-07-3012-JPH

ORDER ADOPTING REPORT AND
RECOMMENDATION

BEFORE THE COURT for resolution is the Report and Recommendation entered on March 3, 2008 (**Ct. Rec. 29**), recommending that Defendant's Motion for Summary Judgment (**Ct. Rec. 25**) be denied, Plaintiff's Motion for Summary Judgment (**Ct. Rec. 22**) be granted, and the matter be remanded for an immediate award of benefits. No timely objections to the Report and Recommendation have been received by the Court.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the March 3, 2008 Report and Recommendation to be supported by the record and by the Magistrate Judge's analysis. Accordingly, the court adopts the Magistrate Judge's Report and Recommendation in its entirety.

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1 **IT IS HEREBY ORDERED** that the Report and Recommendation (**Ct. Rec.**
2 **29**) to deny Defendant's Motion for Summary Judgment and grant Plaintiff's
3 Motion for Summary Judgment is **ADOPTED in its entirety**. The matter is
4 **REMANDED** for an immediate award of benefits, and Judgment shall be entered
5 for **PLAINTIFF**.

6 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
7 Order and an Order of Judgment, forward copies to counsel, and close the file.

8 DATED this 21st day of April, 2008.

9 *S/ Robert H. Whaley*

10 ROBERT H. WHALEY
11 CHIEF UNITED STATES DISTRICT JUDGE

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